

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

NATALIE PERKINS and KENNETH HASSON,
individually and on behalf of themselves and all
others similarly situated,

Plaintiffs,

V.

ZILLOW GROUP, INC. and MICROSOFT
CORPORATION,

Defendants.

JAMIE HUBER, individually and on behalf of all others similarly situated,

Plaintiff,

V.

ZILLOW GROUP, INC.,

Defendant.

DAVID KAUFFMAN, individually and on behalf
of all others similarly situated,

Plaintiff,

V.

ZILLOW GROUP, INC.,

Defendant.

Case No. 2:22-cv-01282-JLR

JLR

**JOINT STIPULATION AND
[PROPOSED] ORDER REGARDING
CONSOLIDATION AND SCHEDULING
TO CONSOLIDATE**

**NOTE ON MOTION CALENDAR:
January 18, 2023**

No. 2:22-cv-01699

| No. 2:22-cv-01694

1 MARK CONLISK and MICHAEL DEKHTYAR,
2 individually and on behalf of all others similarly
3 situated,

4 Plaintiffs,

5 v.

6 ZILLOW GROUP, INC.,

7 Defendant.

No. 2:22-cv-01698

8 ASHLEY POPA, individually and on behalf of all
9 others similarly situated,

10 Plaintiff,

11 v.

12 ZILLOW GROUP, INC.,

13 Defendant.

No. 2:22-cv-01696

14 JILL STRELZIN, individually and on behalf of
15 others similarly situated,

16 Plaintiff,

17 v.

18 ZILLOW GROUP, INC.,

19 Defendant.

No. 2:22-cv-01695

20 JILL ADAMS and JILL ADAMS, As Natural
21 Mother and Next Friend of her minor child, H.A.,
22 individually and on behalf of all others similarly
23 situated,

24 Plaintiff,

25 v.

26 ZILLOW GROUP, INC.,

27 Defendant.

No. 2:22-cv-01737

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| 1 | RYAN MARGULIS, individually and on behalf of | No. 2:22-cv-1736 |
| 2 | all others similarly situated, | |
| 3 | Plaintiff, | |
| 4 | v. | |
| 5 | ZILLOW GROUP, INC., | |
| 6 | Defendant. | |

7 Plaintiffs Natalie Perkins, Kenneth Hasson, Jamie Huber, David Kauffman, Mark Conlisk,
 8 Michael Dekhtyar, Ashley Popa, Jill Strelzin, Jill Adams, Jill Adams, as natural mother and next
 9 friend of her minor child, H.A., and Ryan Margulis (collectively “Plaintiffs”) and Defendants
 10 Zillow Group, Inc. (“Zillow”) and Microsoft Corporation (“Microsoft”) (collectively with Zillow,
 11 “Defendants”), by and through their undersigned counsel, hereby stipulate that the above captioned
 12 actions be consolidated before Judge James L. Robart pursuant to Fed. R. Civ. P. 42 and Local
 13 Rule 42, and in support thereof allege as follows:

14 1. Each of the above-entitled actions are currently pending in federal district court for
 15 the Western District of Washington.

16 2. The first of these cases was filed on or around September 12, 2022¹ and the seven
 17 other cases were subsequently and voluntarily transferred from other federal district courts to this
 18 District pursuant to 28 U.S.C. § 1404 for the purpose of consolidation and coordination.²

19 3. Each action alleges that Zillow violated a two-party consent wiretapping law and
 20 invaded Plaintiffs’ privacy by procuring and embedding snippets of JavaScript computer code
 21 (“Session Replay Code”) on its website, www.zillow.com, to collect, monitor, and record website
 22 visitors’ electronic communications without their consent. Plaintiffs allege these claims on behalf
 23 of overlapping state and nationwide putative classes.

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¹ *Perkins et al v. Zillow Group, Inc. et al*, No. 2:22-cv-01282, pending before Judge James L. Robart.
² *Conlisk et al v. Zillow Group, Inc.*, 2:22-cv-01698; *Huber v. Zillow Group Inc.*, 2:22-cv-01699; *Kauffman v. Zillow Group, Inc.*, 2:22-cv-01694; *Popa v. Zillow Group, Inc.*, 2:22-cv-01696; *Strelzin v. Zillow Group, Inc.*, 2:22-cv-01695; *Adams et al v. Zillow Group, Inc.*, 2:22-cv-01737; and *Margulis v. Zillow Group, Inc.*, 2:22-cv-01736.

4. While the legal claims differ slightly in each case due to the differing state wiretapping laws alleged, they all seek damages against Zillow and in one case against Microsoft for similar alleged conduct and similar alleged injury.

5. All eight cases are in their infancy. Neither Zillow nor Microsoft has responded to any of the complaints, no scheduling orders have been issued, nor has discovery yet commenced.

6. Lead counsel has not yet been appointed pursuant to Fed. R. Civ. P. 23(g).

7 7. Counsel for the parties have discussed consolidating the eight related cases and,
8 given the substantial overlap in these eight putative class actions both in facts and in claims, as
9 well as the overlapping putative classes they represent, the parties agree that consolidation would
10 provide substantial efficiency for the Court and the parties.

11 8. The parties agree that a coordinated schedule for filing a Consolidated Complaint,
12 for briefing any motion to dismiss filed by Defendants, and for briefing any opposition to a motion
13 dismiss should be entered, after Lead Counsel is appointed.

14 9. The schedule agreed upon is not for the purpose of delay, promotes judicial
15 efficiency, and will not cause prejudice to the respective parties.

16 10. Therefore, the parties, through their counsel of record, hereby move for and
17 stipulate to the following proposed order:

[PROPOSED] ORDER

a. The following actions are hereby consolidated into Civil Action No. 2:22-cv-01282 for pretrial purposes only, pursuant to Rule 42(a) of the Federal Rules of Civil Procedure:

- i. *Perkins et al v. Zillow Group, Inc. et al*, No. 2:22-cv-01282;
- ii. *Conlisk et al v. Zillow Group, Inc.*, No. 2:22-cv-01698;
- iii. *Huber v. Zillow Group Inc.*, No. 2:22-cv-01699;
- iv. *Kauffman v. Zillow Group, Inc.*, No. 2:22-cv-01694;
- v. *Popa v. Zillow Group, Inc.*, No. 2:22-cv-01696;
- vi. *Strelzin v. Zillow Group, Inc.*, No. 2:22-cv-01695;
- vii. *Adams et al v. Zillow Group, Inc.*, No. 2:22-cv-01737; and

viii. *Margulis v. Zillow Group, Inc.*, No. 2:22-cv-01736.

b. The consolidated action shall be captioned: “*In Re: Zillow Group, Inc. Session Replay Software Litigation*.” Any related actions that are now pending or are subsequently filed in, or transferred to, this District shall be consolidated with this action for all purposes through notification to the Court of their relatedness. A party in any subsequently consolidated case that objects to such consolidation, or to any other provision of this Order, must file an application for relief from this Order within thirty (30) days after the date on which the notification of relatedness is filed, provided that a copy of the Order is served on the party’s counsel on or before that date.

c. This Order is entered without prejudice to the rights of any party to apply for severance of any claim or action, for good cause shown.

d. Every pleading in the consolidated action shall bear the following caption:

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

In Re: Zillow Group, Inc. Session Replay Software Litigation

Master File No. 2:22-cv-01282-JLR

This Document Refers to: All Actions

e. The file in Case No. 2:22-cv-01282 shall constitute a Master File for every action in the consolidated action. When the document being filed pertains to all actions, the phrase "All Actions" shall appear immediately after the words "This Document Relates to:" in the above caption set out above. When a pleading relates only to some, but not all, of the actions, this Court's docket number for each individual action to which the document applies, along with the last name of the first-listed plaintiffs in said action shall appear immediately after the words "This Document Relates to:" in the above caption.

f. The parties shall file a notice of related cases whenever a case that should be consolidated into this action is filed in, or transferred to, this District. If the Court determines that the case is related, the clerk shall:

i. place a copy of this Order in the separate file for such action;

- ii. serve on plaintiff's counsel in the new case a copy of this Order;
- iii. direct that this Order be served upon defendants in the new case; and
- iv. make the appropriate entry in the Master Docket.

g. Within thirty (30) days of this Order, Plaintiffs shall file their motion(s) for appointment of Lead Counsel with the Court.

h. Within forty-five (45) days of the Order appointing Lead Counsel, Plaintiffs shall file a consolidated amended complaint (or designation of an operative complaint). The consolidated amended or operative complaint shall supersede all complaints filed in any of the actions consolidated herein.

i. Defendants are not required to respond to the complaint in any action consolidated into this action, other than the consolidated amended complaint or a complaint designated as the operative complaint. Lead Counsel may serve the consolidated amended or operative complaint on the undersigned Defendants through their counsel of record.

j. Within sixty (60) days of service of the consolidated amended or operative complaint, Defendants must answer, move, or otherwise respond to the consolidated amended or operative complaint

k. Any and all pending Orders regarding Initial Disclosures, Joint Status Report, Early Settlement, Discovery or other matters pursuant to Federal Rule of Civil Procedure 26 shall be stayed, pending appointment of Lead Counsel and filing of the consolidated amended complaint (or designation of an operative complaint). Within fourteen (14) days following the Court's appointment of the Lead Counsel in the consolidated cases, Lead Counsel and Defendants shall confer and submit a stipulation regarding such issues or seek resolution of such matters from this Court.

Dated this 18th day of January, 2023.



Jim R. Blint

The Honorable James L. Robart
UNITED STATES DISTRICT JUDGE

1 **IT IS SO STIPULATED.**
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1 Date: January 18, 2023

Respectfully submitted,

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